

The legislative assistant proceeded to call the roll.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COOKED BOOKS

Mr. VOINOVICH. Mr. President, I rise today to read an editorial from today's Columbus Dispatch. I want to read it in its entirety because I believe it strongly makes a point that needs to be made.

The editorial is entitled: "Cooked books—That big federal budget surplus? It isn't."

The editorial reads as follows:

The president and members of Congress should all be kept after school to write this on the blackboard 123 billion times:

There is no federal budget surplus.

The \$123 billion surplus that the president and Congress are crowing about last week really is a \$1 billion deficit, hidden by \$124 billion in excess Social Security tax revenue that shouldn't even be counted in the general budget because it is meant to be set aside in a trust fund to cover retirement-benefit payments later.

Put that Social Security money aside as intended and the truth about the federal surplus becomes evident:

The government spent \$1 billion more than it took in last year.

Certainly, a \$1 billion deficit is a vast improvement over years past, when the government was running in the red to the tune of \$200 billion or more annually and creating a national debt approaching \$6 trillion.

But it is still a deficit.

And it is patently dishonest for the president and Congress to pretend that all that red ink is black.

Even the \$124 billion in excess Social Security revenues is really not a surplus for the retirement program.

Yes, Social Security took in more last year than it paid out, but that surplus is a drop in the bucket of the program's \$8 trillion unfunded liability.

That's the amount of money the program ultimately is obligated to pay out to current retirees and workers above and beyond what those participants have paid or will pay into the system.

The \$124 billion cushion that Social Security has right now puts a mere 1.6 percent dent in that massive obligation.

Congress and the president each pay lip service to the idea of balancing the federal budget and preserving the Social Security surpluses for Social Security, but a genuine commitment to these goals would begin with honest bookkeeping.

Until then, it is back to the blackboard:

There is no federal budget surplus.

There is no federal budget surplus.

There is no federal budget surplus.

Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Bob Perret, a fellow in my office, be accorded the privilege of the floor during the pendency of S. 1287.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask consent to be recognized in morning business. I understand the majority leader and Democratic leader will soon appear on the floor. When they do, I will be happy to yield the floor to them to take care of business they will transact. In the meantime, I would like to speak in morning business about a very important issue.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

#### THE INTERSTATE TRANSPORTATION OF CRIMINALS

Mr. DORGAN. Madam President, the picture I have displayed on the floor of the Senate is of an 11-year-old child named Jeanna North. Jeanna North was tragically murdered by a man named Kyle Bell. Kyle Bell was a previously convicted child molester, a violent criminal living in the neighborhood. This young girl, out on roller blades one afternoon on a quiet Fargo street, was abducted and murdered.

Kyle Bell was convicted of that murder. On October 13, Kyle Bell was being transported to prison and he escaped in New Mexico from a bus that was transporting him and nearly 30 other prisoners across the country. Kyle Bell, this convicted child murderer, escaped from a company called Transcorps. Transcorps is a private company. There are a number of private companies that states contract with to haul killers and criminals around the country. When you haul toxic waste around America, you have to meet certain requirements. When you haul circus animals around this country, you have to meet certain minimum requirements. But if you are a business holding yourself out to transport prisoners all around this country from State to State, there are no minimum requirements and no standards. Get yourself a minivan, hire your brother-in-law and two cousins

and say you are in business and you want to haul a convicted child killer around the country.

The escape of this convicted child killer occurred in a circumstance where the bus transporting him, which carried over 30 people, pulled up to a service station to get gas. One of the guards apparently was fueling the vehicle, the other apparently might have been getting a hamburger at the Food Mart, and the third was asleep on the bus, and in the meanwhile this killer goes out through a hatch in the roof of the bus. Then the guards get back on the bus and for 9 hours that bus drove across the country, and they never knew this convicted killer had escaped.

He escaped in civilian clothes, incidentally—a convicted killer being transported across this country in civilian clothes. One would logically ask the question: If you are doing that, if you are transporting a convicted killer across State lines, why would you not have an orange prison uniform that says "I Am A Prisoner"? Because there are no regulations, no standards. You can haul prisoners, including violent prisoners, across this country coast to coast and you do not have any standards to meet. I think that is wrong. If you are a company, a private company contracting to haul violent prisoners across this country, it seems to me you ought to meet minimum regulations, minimum standards.

In order to enhance public safety, I am going to propose later this week a piece of legislation that will require the Justice Department to establish standards that private companies effecting that transport must meet. When there is an interstate transport of criminals across this country, especially high-risk criminals, certain minimum conditions must be met.

Minimum standards on background checks for employees—is that reasonable? You bet. Minimum standards for the type of training an employee would have, who is transporting a violent criminal across State lines; restrictions on the number of hours that employees are on duty during a 24-hour period; minimum standards on the number of guards that must be present for supervising violent criminals; standards requiring that high-risk violent prisoners wear brightly colored clothing, clearly identifying them as prisoners; minimum standards on the type of restraint that is used when transporting these prisoners; and a requirement that private prison transport companies notify law enforcement officials of scheduled stops in their jurisdiction when they are hauling a cargo of violent prisoners.

These are standards that ought to be implemented. The murder of this young girl in Fargo, ND, by Kyle Bell is a tragedy. But it is a tragedy that is compounded by the escape of this murderer who now, this afternoon, is on

the loose. God forbid he should harm or kill someone else while he has escaped from custody. But this escape should persuade us, as almost all law enforcement officials have told me, that there is a need for some reasonable standards or requirements. Even the private companies themselves have said, yes, there is a need for some basic standards.

I intend to introduce legislation that would allow the Justice Department to establish these standards and perhaps we will not again see an escape of a violent killer of this type. The U.S. Marshals Service also transports offenders or criminals across this country, and they have never lost a violent criminal during that transport. When private companies are contracting with States and cities to haul violent criminals, the American public ought to expect that if they pull up to a gas station someplace they are not pulling up next to a minivan that contains three or four convicted murderers who are being handled improperly, by ill-trained guards, sitting in civilian clothing, and potentially able to escape.

The American public should not have to accept that risk. We will not accept risks in the transport of toxic waste. We will not accept the transport, without standards, of cattle; or for that matter of circus animals. Neither should we accept the transport of convicted killers across this country without some basic minimum standard that would guarantee public safety.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDER OF BUSINESS

Mr. LOTT. Madam President, Senator DASCHLE and I have been working, really last week and early this week, to reach an agreement on the best way to have further consideration of the trade bill and also the bankruptcy bill. I want to say right up front that there has been a good faith effort on both sides. I certainly feel that way toward the Democratic leader. We are very close to reaching an agreement. I think it is basically a question of showing each other the actual amendments that would be involved. But I understand the Senator from South Carolina will not allow us to enter into any agreement with regard to the trade bill at this time. Having said that, we will continue to work to reach an agreement on the bankruptcy bill as well as trying to find a way to consider the pending trade bill.

#### AFRICAN GROWTH AND OPPORTUNITY ACT—Resumed

Mr. LOTT. Madam President, with that, I now call for the regular order with respect to the trade bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 434) to authorize a new trade and investment policy for sub-Saharan Africa.

Pending:

Lott (for Roth/Moynihan) amendment No. 2325, in the nature of a substitute.

Lott amendment No. 2332 (to amendment No. 2325), of a perfecting nature.

Lott amendment No. 2333 (to amendment No. 2332), of a perfecting nature.

Lott motion to commit with instructions (to amendment No. 2333), of a perfecting nature.

Lott amendment No. 2334 (to the instructions of the motion to commit), of a perfecting nature.

Lott (for Ashcroft) amendment No. 2340 (to amendment No. 2334), to establish a chief agricultural negotiator in the Office of the United States Trade Representative.

#### AMENDMENT NO. 2340 WITHDRAWN

Mr. LOTT. Madam President, I now withdraw amendment No. 2340.

The PRESIDING OFFICER. The Senator has that right. The amendment is withdrawn.

Mr. LOTT. Madam President, it is now my hope the Senate can consider trade related amendments to the underlying African trade/CBI bill. We have been encouraging Members throughout this process to be prepared to offer their amendments. I have stated previously it has always been our willingness to have Senators offer these trade amendments. I believe it is time to move forward on this important legislation and complete this bill as early as possible this week.

So I ask consent it be in order for me to send to the desk a series of cleared amendments that I think are about equally divided on both sides. This will be the so-called managers' amendments to H.R. 434. I would say, we would offer these en bloc. There may be other amendments that may need to be offered that are not on this list.

I ask this so-called managers' amendment be considered en bloc, agreed to en bloc, and the motion to reconsider be laid upon the table.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Madam President, when I yield the floor, the bill will be open for amendment. An amendment can be offered at this point. In my discussion with Senator DASCHLE, I have indicated if we can get agreement on how to proceed on the trade bill and the bankruptcy bill, on which I think he and I can agree, I will be perfectly willing to take down the tree, too. I want the RECORD to reflect that. I have opened this slot so an amendment is in order. Senator DASCHLE may want to comment on that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Madam President, first, while I fully recognize the ability of the Senator from South Carolina to object to this amendment, it is certainly his right. I am disappointed. The

majority leader has made, in my view, a major step forward in trying to resolve the impasse. I commend him and appreciate the direction he has now indicated he is prepared to go in an attempt to bring this matter to a close.

The amendment, as the majority leader indicated, is one that includes amendments on both sides. We expressed last week our concern for two things: First, the array of relevant amendments that may not be germane. The majority leader's amendment includes all relevant amendments that, in many cases, if not all of them, are not germane. So unless we get an agreement to add these relevant amendments, we are precluded from doing so.

There are some relevant amendments that still need to be offered that are not included in this package. By taking the tree down, those relevant amendments about which we have been very concerned are still pending and would not be offered if there were objections to offering them or if we were not able to bring them to closure.

The second problem we had, of course, was with nonrelevant, non-germane amendments. In our discussions and negotiations, we have been able to accommodate that concern by working out an agreement on bankruptcy that I find to be very satisfactory that will allow us to take up non-relevant, nongermane amendments.

I intend to support cloture tomorrow, if that is the only way we can move this forward. I hope our colleagues will do so. It is no longer now a matter of protecting colleagues' rights. We are denied that right, not by the majority leader or by the parliamentary situation, but by individual Senators who are within their rights, of course, to object to proceeding on this bill.

I want to get this legislation finished. I want to do all I can to protect Senators and their rights to offer amendments. Obviously, we will have to find other ways with which to do that. One way or the other, we are going to continue to work to see if we can resolve these difficulties. I appreciate very much the majority leader's effort to get us to this point.

Mr. LOTT. Madam President, in conclusion, I yield the floor and observe the bill is open for amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I remember the distinguished minority leader's plea about protecting the rights of colleagues. Now instead of protecting the rights, we are given our rights on the installment plan. If you get in line for your installment, fine business.

Like the distinguished Senator from New Jersey, he has an amendment that the majority leader was just presenting to grant permanent and normal trade relations status to Albania. Isn't that